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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,397	06/28/2001	Claude Chapel	PF 980092	4292

7590 01/03/2007

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EXAMINER	
SHIBRU, HELEN	
ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/869,397	CHAPEL ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed 10/18/2006, have been entered and made of record. Claims 1-8 are pending.

Response to Arguments

2. Applicant's arguments filed 10/18/2006have been fully considered but they are not persuasive. See the reasons sets forth below.

In response to Applicant argument that the cited reference of Isaka fails to teach suggest or anticipate at least "recording data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block"-as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1," the Examiner respectfully disagrees. Isaka teaches an order of a step in the operation. Isaka further discloses n-1 and n are consecutive blocks in which data have been already recorded in block n-1 and data will be recorded in block n. Therefore Isaka discloses recording data as a pattern atleast one recorded block immediately followed by one unrecorded block. (See col. 6 lines 6-31 and fig. 3).

In response to applicant's arguments that the cited reference of Ogawa individually fails to teach, suggest or render obvious at least a process for recording a digital video and audio data stream including recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner believes that the claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

TTQ 12/26/06

4. Claims ~~1~~ 1-2, 5, and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Isaka (US Pat. No. 5,706,388).

Regarding claim 1, Isaka discloses a process for recording a digital video and audio data stream wherein recording being carried out on a medium organized in the form of logic blocks in series and comprising a recording and reading head (see fig. 2 components 5a, 6a and 7a and fig. 3, and col. 5 lines 59-64), said process comprises the steps of:

recording data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block (see col. 4 lines 54-58, col. 6 lines 6-24, and fig. 3): and

following the triggering of the reading of the recorded data, alternately reading a continuous series of said previously recorded blocks and continuing the recording of data in said unrecorded blocks immediately following the blocks read (see col. 5 lines 18-33 and 48-51 and abstract).

Regarding claim 2, Isaka discloses when the set of blocks recorded before the triggering of reading have been read, recording is continued in contiguous blocks in a non-interlaced manner (see abstract).

Regarding claim 5, Isaka discloses the recording of data is performed in a group of N contiguous blocks (N>1) (see fig. 1 and col. 6 lines 6-12).

Regarding claim 7, Isaka discloses a digital television receiver comprising means for receiving a digital audio and video data stream (see fig. 1), comprising:

a recording medium furnished with a recording and reading head, said medium being organized in the form of logic blocks in series (see figures 2 and 3);

a control circuit for managing the writing and the reading of blocks of the recording medium (see fig. 2);

an interfacing circuit for interfacing the recording medium with said control circuit, said control circuit adapted to control the recording of data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block, following the triggering of the reading of the recorded data, the alternate reading of a continuous series of said previously recorded blocks and the continuing of the recording of data in said unrecorded blocks immediately following the blocks read (see figs. 1-3 and rejection of claim 1).

Claim 8 is rejected for the same reason as discussed in claim 5 above.

Regarding claims 9 and 10, the limitation of claims 9 and 10 can be found in claim 1 above. Therefore claims 9 and 10 are rejected for the same reason as discussed in claim 1 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Isaka in view of Official Notice.

Regarding claims 3-4, claims 3 and 4 are differ from Isaka in that the claims further requires the set of blocks recorded before the triggering of reading have been read, recording is continued in contiguous blocks in a loop in the block previously read and blocks are read and rewritten in a non-interlaced manner. Although Isaka does not specifically disclose the set of blocks recorded before the triggering of reading have been read, recording is continued in contiguous blocks in a loop in the block previously read and blocks are read and rewritten in a non-interlaced manner, Isaka discloses the recording and reproducing operations are performed alternately. Isaka further discloses the recording/reproducing head moves after the recording in the n_{th} block completed (see col. 6 lines 13-24). Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Isaka by rewriting data on a block previously read and reproduce in order to use same blocks.

7. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Isaka in view of Ogawa (US Pat. No. 6,115,799).

Regarding claim 6, claim 6 differ from Isaka in that the claim further require detecting sequences of free blocks on the medium for applying said steps of recording and reading. Although Isaka does not specifically disclose detecting sequences of free blocks, Isaka discloses

the sequences of blocks in fig. 3 are free and predetermined data can be recorded on them (see col. 6 lines 6-12).

In the same field of endeavor Ogawa discloses successive free blocks are detected during search. Ogawa further discloses further discloses recording operation is performed by recording means (see claim 9). Therefore in light of the teaching in Ogawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Isaka by detecting a free area in order to record data of predetermined size on the searched area.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
December 26, 2006